

ANDERSON EXHIBIT 24

Lockwood, MD, John M 12-6-07

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1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 - - - - -
4 IN RE: PHARMACEUTICAL) MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
6 PRICE LITIGATION) 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO)
8 U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris
9 the Florida Keys, Inc.)
10) Chief Magistrate
11 Abbott Laboratories, Inc.,) Judge Marianne B.
12 No. 06-CV-11337-PBS) Bowler
13 - - - - -
14 (caption continues on following pages)
15
16
17 Videotaped deposition of JOHN M. LOCKWOOD, M.D.
18 Volume I
19
20 Washington, D.C.
21 Thursday, December 6, 2007
22 9:00 a.m.

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10 Q. Did you participate in the decision
11 whether to file the fourth amended complaint
12 that's marked as Exhibit Abbott 414D?

13 A. Yes, sir.

14 Q. What role did you have in making the
15 decision to file this amended complaint?

16 A. Once again, I discussed changes that
17 were made in this complaint or this amendment and
18 discussed how we would present it, what we would
19 talk about, proofreading it. I suspect I was
20 involved in creating some of the charts, or at
21 least in digging out information that was placed
22 in the charts and bringing all that together with

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1 the attorneys and giving it to them and working
2 with them on what would be this final product.

3 Q. Are any of the allegations made in
4 Exhibit Abbott 414D based upon your personal
5 knowledge?

6 MR. BREEN: Objection, form.

7 A. Well, once again, I guess it depends
8 how we define personal knowledge. But I think my
9 answer to that is no. I think it's Ven-A-Care's
10 information and --

11 Q. When you say Ven-A-Care's information,
12 you're referring to information that

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13 representatives of Ven-A-Care gleaned from third
14 party sources, correct?

15 MR. BREEN: Objection, form.

16 A. Well, I think we gleaned the
17 information from the prices available to Ven-A-
18 Care. These were confidential trade secret
19 information. I think even Abbott has declared
20 these prices to be trade secrets. And we had a
21 number of different sources from which we could
22 get that information. But they were clearly Ven-

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1 A-Care's insider prices and the prices that were
2 available for us to buy these products at.

3 Q. But you don't know whether Ven-A-Care
4 actually paid any of those prices for any of the
5 drugs that are the subject of this lawsuit,
6 correct?

7 MR. BREEN: Objection, form.

8 A. At this point in time I don't know. I
9 don't know if we -- we did buy some products
10 and/or had some products available that when we
11 went to discuss the case with the Department of
12 Justice or with the state where we might show
13 them what an IV bag of fluid looked like for
14 demonstration purposes.

15 So we bought some for that purpose.
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16 whether we were using old ones that we bought
17 previously or whether we ordered new ones in 2002
18 or in and about that time frame, I don't recall.
19 I don't know. But we occasionally had some that
20 we showed to government entities so they'd
21 understand what we were talking about.

22 Q. You would agree with me, would you not,

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1 that any purchases that Ven-A-Care made of Abbott
2 products after 1996 were not to administer to a
3 patient, but were for demonstrative purposes in
4 connection with your litigation activities?

5 MR. BREEN: Objection, form.

6 A. I don't know, because I can't tell you
7 exactly when Ven-A-Care saw its last patient. I
8 don't know when that date was. My recollection
9 is we treated some patients after 1996. But I
10 don't have that information with me right now
11 that I could tell you the answer to. And I'm
12 probably not the best person to know the answer
13 to that.

14 Q. Leaving aside the few patients that
15 Ven-A-Care treated after 1995, 1996, would you
16 agree with me that any other purchases made of
17 Abbott products would have been made solely for
18 the purpose of obtaining demonstrative exhibits

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19 for Ven-A-Care's litigation purposes?

20 MR. BREEN: Objection, form.

21 A. I can tell you we did buy some products

22 -- whether it was Abbott's or not, I don't know -

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1 - that were purchased for demonstration purposes.

2 Q. And were never administered to a
3 patient, correct?

4 A. That's my understanding, yes.

5 Q. And at least as long as you were
6 involved with Ven-A-Care, Ven-A-Care didn't
7 submit claims to any health care program for
8 payment on those products, correct?

9 MR. BREEN: Objection, form.

10 Q. That you're aware of.

11 A. Well, I don't understand your question,
12 because I don't know when Ven-A-Care submitted
13 its last claim to any health care entity,
14 insurance company or otherwise. And so I don't
15 know.

16 Q. All right. Once the last patient was
17 seen by Ven-A-Care at some time in the 1990s,
18 would you agree with me that Ven-A-Care did not
19 submit any claims for payment from any health
20 care program for the products that it may or may
21 not have bought after that point from Abbott?

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22 A. I would agree with that, yes.

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1 Q. In the course of digging info how to
2 put into these complaints, did you ever have
3 occasion to review OIG reports?

4 A. I have read some OIG reports, yes.

5 Q. Tell me what you recall about reading
6 OIG reports.

7 A. I think my first recollection about OIG
8 reports were related to some OIG reports that
9 Mark and Zack obtained because they had
10 participated with the OIG in providing pricing
11 information for them to use during the report.
12 And so I would think somewhere, oh, in the 1996
13 to '98 time frame, it's my recollection there
14 were some OIG reports that came out on albuterol.
15 And generally -- I think a later time period, and
16 I don't know -- there were some OIG reports
17 produced about, as I recall, infusion drugs.

18 And once again we were interested in
19 obtaining those because we had participated with
20 the OIG in providing the underlying cost and
21 price information that they could use in those
22 reports so that they would have information from